

**State of California  
Office of Administrative Law**

In re:  
Bureau of Automotive Repair

NOTICE OF APPROVAL OF REGULATORY  
ACTION

Regulatory Action:

Government Code Section 11349.3

Title 16, California Code of Regulations

OAL File No. 2012-0611-01 SR

Adopt sections: 3394.25, 3394.26, 3394.27

Amend sections:

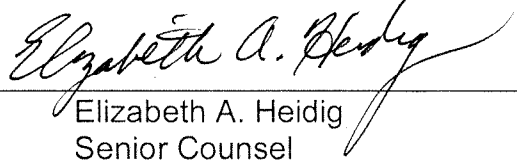
Repeal sections:

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The Director of Consumer Affairs is adopting regulations on behalf of the Bureau of Automotive Repair concerning the penalty schedule for specific violations by licensees. The adoption of these regulatory provisions provides for an Administrative Fine Schedule and minimum/maximum fine amounts for each identified violation. The adoption also provides that the director can order an extension of time within which an order of abatement can be completed.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/10/2012.

Date: 7/10/2012

  
Elizabeth A. Heidig  
Senior Counsel

For: DEBRA M. CORNEZ  
Director

Original: John Wallauch  
Copy: Steven Hall

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

See instructions on  
(reverse)

For use by Secretary of State only

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2012-0611701SR</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of Consumer Affairs (DCA), Bureau of Automotive Repair (BAR)			AGENCY FILE NUMBER (if any) 2011_220

ENDORSED FILED  
IN THE OFFICE OF

2012 JUL 10 PM 2:57

  
 DENISE BROWN  
 SECRETARY OF STATE
**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE 10-21-11

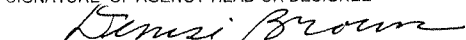
**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) AB 2289 Penalties		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2012-0315-02S	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 3394.25, 3394.26, 3394.27	
TITLE(S) 16		AMEND	
		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(n)) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> File & Print <input type="checkbox"/> Print Only <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Other (Specify) _____			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) May 18, 2012 - June 4, 2012			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input type="checkbox"/> Effective 30th day after filing with Secretary of State <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Steven Hall		TELEPHONE NUMBER 916.255.2135	FAX NUMBER (Optional) 916.255.1369
		E-MAIL ADDRESS (Optional) steven.hall@dca.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE



6-8-12

TYPED NAME AND TITLE OF SIGNATORY

Denise Brown, Director, Department of Consumer Affairs

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 10 2012

Office of Administrative Law

**BUREAU OF AUTOMOTIVE REPAIR**

**ORDER OF ADOPTION**

**AB 2289 PENALTIES**

(1) Adopt new Article 11.1 to read as follows:

**Article 11.1 Citations and Administrative Fines for Licensees.**

(2) Adopt Section 3394.25 to Article 11.1, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

**§ 3394.25. Authority to Issue Citations and Administrative Fines.**

The director or his/her designee is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and/or administrative fines for violations by a licensee or contractor of Health and Safety Code section 44000 et seq. and any regulations adopted pursuant thereto.

Note: Authority cited: Section 9882, Business and Professions Code. Reference: Sections 44002 and 44050, Health and Safety Code.

(3) Adopt Section 3394.26 to Article 11.1, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

**§ 3394.26. Administrative Fine Amounts.**

(a) The minimum and maximum administrative fine amounts are established in Table I, Administrative Fine Schedule. If a citation lists multiple violations arising from an inspection or repair on a single vehicle the total penalties assessed shall not exceed five thousand dollars (\$5,000) pursuant to Health and Safety Code section 44052.

(b) Penalties exceeding five thousand dollars (\$5,000) for inspections and repairs that arise from multiple vehicles shall be assessed in separate citations.

**TABLE I**  
**ADMINISTRATIVE FINE SCHEDULE**

HEALTH & SAFETY CODE (H&S) OR CALIFORNIA CODE OF REGULATIONS (CCR) SECTION	ADMINISTRATIVE FINE AMOUNT	
H&S SECTIONS	MINIMUM	MAXIMUM
§ 44011.3	\$250	\$1000
§ 44012	\$1000	\$5000
§ 44014.4	\$750	\$3000
§ 44014.5	\$750	\$3000
§ 44015	\$1000	\$5000
§ 44015.5	\$1000	\$5000
§ 44016	\$1000	\$5000
§ 44017	\$1000	\$5000
§ 44017.3	\$250	\$1000
§ 44017.4	\$1000	\$5000
§ 44032	\$1000	\$5000
§ 44033 (b)	\$750	\$3000
§ 44033 (c)	\$750	\$3000
§ 44033 (d)	\$750	\$3000
§ 44035	\$1000	\$5000
§ 44036 (b)(1)	\$750	\$3000
§ 44036.5 (b)	\$1000	\$5000

CCR SECTIONS	MINIMUM	MAXIMUM
§ 3303.3	\$250	\$1000
§ 3340.15	\$250	\$1000
§ 3340.16	\$750	\$3000
§ 3340.16.4	\$750	\$3000
§ 3340.16.5	\$750	\$3000
§ 3340.17	\$1000	\$5000
§ 3340.23	\$750	\$3000
§ 3340.30 (a)	\$1000	\$5000
§ 3340.30 (b)	\$250	\$1000
§ 3340.30 (c)	\$250	\$1000
§ 3340.35	\$1000	\$5000
§ 3340.41 (a)	\$250	\$1000
§ 3340.41 (b)	\$750	\$3000
§ 3340.41 (c)	\$1000	\$5000
§ 3340.41 (d)	\$1000	\$5000

§ 3340.41 (f)	\$1000	\$5000
§ 3340.41.3	\$250	\$1000
§ 3340.42	\$1000	\$5000
§ 3340.42.2	\$1000	\$5000
§ 3340.45	\$1000	\$5000
§ 3340.50 (e)	\$750	\$3000
§ 3340.50 (f)	\$750	\$3000
§ 3340.50 (g)	\$250	\$1000
§ 3340.50 (h)	\$250	\$1000
§ 3353	\$250	\$1000

Note: Authority cited: Section 9882, Business and Professions Code. Reference: Section 44002, 44050, and 44052 Health and Safety Code.

(4) Adopt Section 3394.27 to Article 11.1, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

**§ 3394.27. Compliance with Citations/Orders of Abatement.**

(a) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, the cited person may request an extension of time in which to complete the correction from the director or his/her designee. Such a request is subject to approval by the director or his/her designee and shall be in writing and made within the time set forth for abatement.

(b) If administrative fine(s) are not paid after a citation has become final, the administrative fine(s) shall be added to the cited person's license or registration renewal fee. A license or registration shall not be renewed without payment of the renewal fee and all administrative fines.

Note: Authority cited: Sections 9882, Business and Professions Code. Reference: Sections 44002, 44031.5 and 44050, Health and Safety Code.

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JOHN WALLAUCH, Chief  
Bureau of Automotive Repair